

REMARKS

Claims 1-7 and 11-27 are now pending in the application. Claims 1-4, 11, 12 and 24-26 are amended herein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

FINALITY OF THE OFFICE ACTION

Applicant filed a Request for Continued Examination on June 18, 2008. The Office Action mailed July 29, 2008 is the first action after Applicant's RCE. As such, the Office Action should be non-final. Therefore, Applicant respectfully requests withdrawal of the finality of the July 29, 2008 Office Action.

REJECTION UNDER 35 U.S.C. § 112

Claims 24-26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed. Notwithstanding and solely in the interest of clarification, Applicant replaces "the device" with "the network-connectable device" in order to overcome this rejection. Support for this amendment can be found at page 19, line 16 of the original filed application.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2, 3, 4, 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Natalini (U.S. Pub. No. 2002-0095269) in view of Terada (U.S. Pat. No. 6,167,046) further in view of Dulberg (U.S. Pub. No. 2007-0100585). This rejection

is respectfully traversed. Notwithstanding and solely in the interest of expediting prosecution, Applicant amends claims 1-4. Support for this amendment can be found at least on pages 24 and 25 of Applicant's specification as originally filed. No new matter is added.

Among other elements, each of amended claims 1-4 recites appointing a parent device by: detecting whether one of the plurality of devices has already been appointed the parent device, the one of the plurality of devices having started up first on the network; and if no parent device is detected in the detecting step, becoming the parent device.

It is a longstanding rule that to establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 143 (CCPA 1974), see MPEP §2143.03. Furthermore, when evaluating claims for obviousness under 35 U.S.C. §103, all of the limitations must be considered and given weight. *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), MPEP § 2144.03. Here, the alleged combination fails to disclose appointing a parent device by: detecting whether one of the plurality of devices has already been appointed the parent device, the one of the plurality of devices having started up first on the network; and if no parent device is detected in the detecting step, becoming the parent device.

Inasmuch as the prior art fails to teach or suggest all of the claim limitations, the prior art cannot render claims 1-4 unpatentable. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 5 and 6 depend from claim 1 and should be in condition for allowance for at least the same reasons as set forth above.

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada (U.S. Pat. No. 5,790,797) in view of Dulberg (U.S. Pub. No. 2007-0100585). This rejection is respectfully traversed. As with claims 1-4, claims 11 and 12 are amended to recite appointing a parent device by: detecting whether one of the plurality of devices has already been appointed the parent device, the one of the plurality of devices having started up first on the network; and if no parent device is detected in the detecting step, becoming the parent device. The alleged combination fails to disclose such an appointing step. As such, the prior art fails to teach or suggest all of the claim limitations and therefore the prior art cannot render claims 11 and 12 unpatentable. Thus, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada (U.S. Pat. No. 5,790,797) in view of Dulberg (U.S. Pub. No. 2007-0100585). This rejection is respectfully traversed. As with claims 1-4, 11 and 12, claims 24 and 25 are amended to recite appointing a parent device by: detecting whether one of the plurality of devices has already been appointed the parent device, the one of the plurality of devices having started up first on the network; and if no parent device is detected in the detecting step, becoming the parent device. The alleged combination fails to disclose such an appointing step. As such, the prior art fails to teach or suggest all of the claim limitations and therefore the prior art cannot render claims 24 and 25

unpatentable. Thus, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada (U.S. Pat. No. 5,790,797) in view of Natalini (U.S. Pub. No. 2002-0095269) further in view of Dulberg (U.S. Pub. No. 2007-0100585). This rejection is respectfully traversed. Claim 13 depends from claim 11 and should be in condition for allowance for at least the same reasons as set forth above.

Claims 14, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada (U.S. Pat. No. 5,790,797) in view of Dulberg (U.S. Pub. No. 2007-0100585) further in view of Terada (U.S. Pat. No. 6,167,046). This rejection is respectfully traversed. Claims 14, 15 and 16 depend from claim 11 and should be in condition for allowance for at least the same reasons as set forth above.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Natalini (U.S. Pub. No. 2002-0095269) in view of Terada (U.S. Pat. No. 6,167,046) further in view of Dulberg (U.S. Pub. No. 2007-0100585) further in view of Vuppula (U.S. Pat. No. 7,331,050). This rejection is respectfully traversed. Claim 7 depends from claim 1 and should be in condition for allowance for at least the same reasons as set forth above.

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Natalini (U.S. Pub. No. 2002-0095269) in view of Terada (U.S. Pat. No. 6,167,046) further in view of Dulberg (U.S. Pub. No. 2007-0100585) further in view of Krzyanowski (U.S. Pat. No. 6,792,323). This rejection is respectfully traversed. Claim 26 depends

from claim 24 and should be in condition for allowance for at least the same reasons as set forth above.

Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada (U.S. Pat. No. 5,790,797) in view of Dulberg (U.S. Pub. No. 2007-0100585) further in view of Smyers (U.S. Pat. No. 6,430,629). This rejection is respectfully traversed. Claims 17 and 18 depend from claim 11 and should be in condition for allowance for at least the same reasons as set forth above.

Claims 19, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada (U.S. Pat. No. 5,790,797) in view of Dulberg (U.S. Pub. No. 2007-0100585) further in view of Smyers (U.S. Pat. No. 6,430,629) further in view of Gubbi (U.S. Pat. No. 6,434,113). This rejection is respectfully traversed. Claims 19, 20 and 21 depend from claim 11 and should be in condition for allowance for at least the same reasons as set forth above.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada (U.S. Pat. No. 5,790,797) in view of Dulberg (U.S. Pub. No. 2007-0100585) further in view of Smyers (U.S. Pat. No. 6,430,629) further in view of Gubbi (U.S. Pat. No. 6,434,113) further in view of Moran (U.S. Pub. No. 2002-0177448). This rejection is respectfully traversed. Claim 22 depends from claim 11 and should be in condition for allowance for at least the same reasons as set forth above.

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimada (U.S. Pat. No. 5,790,797) in view of Dulberg (U.S. Pub. No. 2007-0100585) further in view of Smyers (U.S. Pat. No. 6,430,629) further in view of Krzyanowski (U.S. Pat. No. 6,792,323). This rejection is respectfully traversed. Claim 23 depends from

claim 11 and should be in condition for allowance for at least the same reasons as set forth above.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: October 28, 2008

By: /G. Gregory Schivley/

G. Gregory Schivley
Reg. No. 27,382
Bryant E. Wade
Reg. No. 40,344

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

GGS/BEW/nrk